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JUN 27 2007

**OFFICE OF PETITIONS**

In re Application of :  
Jeffrey H. Baxter :  
Application No. 09/973,105 :  
Filed: 10-09-2001 :  
Attorney Docket No. 6815.US.01 :

**ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b), filed March 20, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed July 25, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 26, 2006. The Office mailed a Notice of Abandonment on February 26, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee; and (3) a statement of unintentional delay.

The Associate Power of Attorney filed with the petition on March 20, 2007, was filed after June 25, 2004, the effective date of a rule change eliminating the Associate Power of Attorney practice (37 CFR 1.34(b) was eliminated). *See* MPEP § 402.02 and Revision of Power of Attorney and Assignment Practice, 69 Fed. Reg. 29865 (May 26, 2004); 1283 Off. Gaz. 148 (June 22, 2004). Although the paper has been placed in the file, the name of the patent practitioner listed on the Associate Power of Attorney has not been made of record. Nevertheless, it is presumed that William J. Winter is acting in his representative capacity, pursuant to 37 CFR 1.34, in filing the present petition.<sup>1</sup>

<sup>1</sup> 37 CFR 1.34 states:

When a patent practitioner acting in a representative capacity appears in person or signs a paper in practice before the United States Patent and Trademark Office in a patent case, his or her personal appearance or signature shall constitute a representation to the United States Patent and Trademark Office that under the provisions of this subchapter and the law, he or she is authorized to represent the particular party on whose behalf he or she acts. In filing such a paper, the patent practitioner must set

This application is being referred to Technology Center AU 1615 for review of the amendment.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3211.

*Christina Tartera Donnell*

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